(Poisons generally)

MYSORE ACT No. V OF 1910.

THE MYSORE POISONS ACT, 1910.

(Received the assent of His Highness the Maharaja on the 2nd day of December 1910).

An Act to provide for the regulation of the possession and sale of all poisons in certain local areas, and the importation, possession and sale of white arsenic generally.

Preamble.

WHEREAS it is expedient to make provision for regulating the possession and sale of all poisons in certain local areas, and the importation, possession and sale of white arsenic throughout the [1][whole of the State of Mysore except Bellary District] ; His Highness the Maharaja is pleased to enact as follows :—

Short title and extent.

1. (1) This Act may be called "The Mysore Poisons Act, 1910."

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

POISONS GENERALLY.

Power to regulate possession for sale and sale of any poison in certain areas.

2. (1) The Government may, by rule, regulate within the limits of any Municipality the possession for sale and the sale, whether wholesale or by retail, of any specified poison.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), rules made thereunder may provide for, amongst other matters—

(*a*) the grant of licenses to possess any specified poison for sale, wholesale or by retail, and the fixing of the fee (if any) to be charged for such licenses ;

(*b*) the classes of persons to whom alone such licenses may be granted ;

(*c*) the classes of persons to whom alone any such poison may be sold ;

1. See the Mysore Adaptation of Laws Order, 1958.

(*White Arsenic*)

(*d*) the maximum quantity of any such poison which may be sold to any one person;

(*e*) the maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same;

(*f*) the safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale; and

(*g*) the inspection and examination of any such poison when possessed for sale by any such vendor.

(3) Any substance specified as a poison in a rule made under this section shall be deemed to be a poison for the purposes of this Act.

WHITE ARSENIC.

Power to prohibit importation into [1][the State of Mysore except Bellary District] of white arsenic except under license.

3. The Government may, by notification in the official Gazette, prohibit, except under and in accordance with the conditions of a license, the importation of white arsenic into [1][the State of Mysore except Bellary District] and may, by rule, regulate the grant of licenses and prescribe the conditions to be imposed thereby under this section.

Power to regulate possession for sale and sale of white arsenic throughout the State.

4. (1) The Government may, by rule, also regulate within the whole, or any part, of [1][the State of Mysore except Bellary District] the possession for sale and the sale, whether wholesale or by retail, of white arsenic.

(2) In particular, and without prejudice to the generality of the power conferred by sub-section (1), rules made thereunder may provide, amongst other matters, for all or any of the matters specified in section 2, sub-section (2).

(3) Rules made under sub-section (1) may further provide that no person shall sell any powdered white arsenic unless the same is, before the sale thereof, mixed with soot, indigo or Prussian blue in the proportion of half an ounce of soot, indigo or Prussian blue at least to one pound of the white arsenic, and so in proportion for any greater or less quantity:

Provided that, where such arsenic is stated by the purchaser to be required for some purpose for which such

1. See the Mysore Adaptation of Laws Order, 1963.

admixture would, according to the representation of the purchaser, render it unfit, such arsenic may be sold, without such admixture, in a quantity of not less than 10 pounds at any one time.

Power to regulate possession of white arsenic in certain tracts.

5. (1) The Government may further, by rule, regulate the possession of white arsenic in any local area in which murder by poisoning with that drug or the offence of mischief by poisoning cattle therewith appears to it to be of such frequent occurrence as to render restrictions on the possession thereof desirable.

(2) In making any rule under sub-section (1), the Government may direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the white arsenic in respect of which the breach has been committed, and of the vessels, packages or coverings in which the same is found.

OTHER POISONS.

Power to apply Act to other poisons.

6. (1) The Government may, by notification in the official Gazette, apply to any specified poison other than white arsenic all or any of the provisions of this Act relating exclusively to white arsenic.

(2) Any substance specified as a poison in a notification issued under sub-section (1) shall be deemed to be a poison for the purposes of this Act.

PENALTIES AND PROCEDURE.

Penalty for unlawful importation, etc.

7. (1) Whoever—

(*a*) commits a breach of any rule made under section 2 or section 4, or sub-section (2) of section 10, or

(*b*) imports into [1][the State of Mysore except Bellary District], without a license, white arsenic the importation of which is for the time being restricted under section 3, or

1. See the Mysore Adaptation of Laws Order, 1956.

(*c*) breaks any condition of a license for the importation of white arsenic granted to him under section 3, shall be punishable,—

(i) on a first conviction, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and

(ii) on a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Any poison in respect of which an offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, and, in the case of any offence mentioned in clause (*b*) or clause (*c*) of sub-section (1) any animals and conveyances used in carrying it, shall be liable to confiscation.

Power to issue search warrant.

8. (1) The Inspector-General of Police, or the District Magistrate or the Sub-Divisional Magistrate may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of this Act or any rule thereunder or that any poison liable to confiscation under this Act is kept or concealed.

(2) The person to whom the warrant is directed may enter and search the place in accordance therewith and the provisions of the Code of Criminal Procedure, 1904, relating to search-warrants shall, as far as may be, be deemed to apply to the execution of the warrant.

Rules.

9. (1) In addition to any other power to make rules hereinbefore conferred, the Government may make rules generally to carry out the purposes and objects of this Act.

(2) Every power to make rules conferred by this Act shall be subject to the condition of the rules being made after previous publication.

(3) All rules made by the Government under this Act shall be published in the official Gazette, and on such publication shall have effect as if enacted in this Act.

(*Savings*)

SAVINGS.

Savings.

10. (1) Nothing in this Act or in any license granted or rule made thereunder shall, save as provided for in sub-section (2) to this section, extend to or interfere with anything done in good faith in the exercise of his profession or business as such—

(*a*) by a medical or veterinary practitioner, or

(*b*) by a chemist or druggist duly qualified to act as such under the law for the time being in force in the United Kingdom, or

(*c*) by a chemist, druggist or compounder dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner, or

(*d*) subject to any rules for the time being in force under section 5, by a tanner or hide merchant.

(2) The Government may, in the case of medical or veterinary practitioners or chemists or druggists vending any poisonous drug to be specified by Government in this behalf, make rules for—

(i) the maintenance by them of registers of sales, the particulars to be entered in such registers and the inspection of the same;

(ii) the safe custody of such drugs and the labelling of the vessels, packages or coverings in which any such drug is sold or possessed for sale; and

(iii) the inspection and examination of any such drugs when possessed for sale by any such person.

(3) Notwithstanding anything hereinbefore contained, the Government may, in its discretion, by general or special order, declare that all or any of the provisions of this Act shall not be deemed to apply to any article, or class of articles of commerce specified in such order, or to any poison, or class of poisons used for any purpose so specified, and may, from time to time, alter or vary any such declaration.

(4) The Government may, by general or special order, exempt any person or class of persons, either generally or in respect of any poison or poisons specified in the order, from the operation of any rule which it is empowered by this Act to make.